

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ERICA S. TOOMBS

PLAINTIFF

v.

CIVIL ACTION

No. 3:13cv648-HTW-LRA

RANDSTAD US, L.P. & CALSONICKANSEI
NORTH AMERICA, INC.

DEFENDANTS

CASE MANAGEMENT ORDER

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

IT IS HEREBY ORDERED:

1. ESTIMATED DAYS OF TRIAL: 5

ESTIMATED TOTAL NUMBER OF WITNESSES: 25

EXPERT TESTIMONY EXPECTED: Yes

NO. OF EXPERTS:

4

Experts may be necessary to discount future damages, including economic damages.

2. ALTERNATIVE DISPUTE RESOLUTION [ADR].

At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.

Additional Information:

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE.

The parties do not consent to trial by a United States Magistrate Judge.

4. DISCLOSURE.

The following additional disclosure is needed and is hereby ordered:

The parties will exchange initial disclosures on or before December 23, 2013.

5. MOTIONS; ISSUE BIFURCATION.

Staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42 (b) will not assist in the prompt resolution of this action.

Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

6. DISCOVERY PROVISIONS AND LIMITATIONS.

- A. Interrogatories are limited to 25 succinct questions.
- B. Requests for Production and Requests for Admissions are limited to
30 succinct questions.
- C. Depositions are limited to the parties, experts, and no more than
10 fact witness depositions per party without additional approval of the Court.

- D.** The parties have complied with the requirements of Local Rule 26(e)(2)(B) regarding discovery of electronically stored information and have concluded as follows [The parties **MUST** state whether or not there is ESI and, if so, how they propose to address it]:

There will likely be discoverable electronic mail messages, which all parties are under a duty to preserve.

The parties anticipate that all other discoverable documents and things are stored in hard-copy form.

- E.** The court imposes the following further discovery provisions or limitations:

- ☐ 1. Defendant may have a Fed. R. Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff. The examination must be completed in time to comply with expert designation deadlines.
- ☒ 2. Pursuant to Rule 502(d) of the Federal Rules of Evidence, the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- ☒ 3. Plaintiff must execute a waiver of the medical privilege.
- ☐ 4. Other:

Additional Provisions:

7. SCHEDULING DEADLINES

A. Trial. This action is set for JURY TRIAL during a two-week term of court beginning on: December 8, 2014, at 9:00, a.m., in Jackson, Mississippi, before United States District Judge Henry T. Wingate. THE ESTIMATED NUMBER OF DAYS FOR TRIAL IS 5. ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

B. Pretrial. The pretrial conference is set on: Nov. 25 or 26, 2014, at 9:00, a.m., in Jackson, Mississippi, before United States District Judge Henry T. Wingate.

C. Discovery. All discovery must be completed by: July 25, 2014.

D. Amendments. Motions for joinder of parties or amendments to the pleadings must be filed by: January 20, 2014.

E. Experts. The parties' experts must be designated by the following dates:

1. Plaintiff(s): April 23, 2014.

2. Defendant(s): May 23, 2014.

8. MOTIONS. All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: August 8, 2014. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

9. SETTLEMENT CONFERENCE.

A SETTLEMENT CONFERENCE is set on: March 6, 2014, at 9:00, a.m. in Jackson, Mississippi, before United States Magistrate Judge Linda R. Anderson.

Seven (7) days before the settlement conference, the parties must submit via e-mail to the magistrate judge's chambers an updated CONFIDENTIAL SETTLEMENT MEMORANDUM. All parties are required to be present at the conference unless excused by the Court. If a party believes the scheduled settlement conference would not be productive and should be cancelled, the party is directed to inform the Court via e-mail of the grounds for their belief at least seven (7) days prior to the conference.

10. REPORT REGARDING ADR. On or before (7 days before FPTC) November 20, 2014, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

SO ORDERED:

December 19, 2013
DATE

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE